

UNITED STATES DISTRICT COURT

for the

Northern District of California

FILED

Apr 09 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

United States of America

v.

Robert Hamilton

Case No.3:21-mj-70590 MAG

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 27, 2021 in the county of San Francisco in the
Northern District of California, the defendant(s) violated:*Code Section*

18 U.S.C. 922(g)

Offense Description

Felon in Possession of a firearm

Maximum Penalties: Imprisonment: 10 years; Fine: \$250,000; Supervised
Release: 3 years; Special Assessment: \$100; Forfeiture of firearms and
ammunition

This criminal complaint is based on these facts:

See attached affidavit of ATF SA Joseph Centofranchi

☐ Continued on the attached sheet.

/s;

*Complainant's signature*Approved as to form Ankur Shingal
AUSA Ankur Shingal

Joseph Centofranchi, ATF Special Agent

Printed name and title

Sworn to before me by telephone.

Date: April 8, 2021City and state: San Francisco, CA*Judge's signature*

Hon. Jacqueline Scott Corley

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Joseph Centofranchi, being duly sworn, hereby state as follows:

I. INTRODUCTION

A. Purpose of Affidavit

1. I make this affidavit in support of the issuance of a criminal complaint and a federal arrest warrant for Robert HAMILTON. There is probable cause to believe that, on or about February 27, 2021, HAMILTON violated Title 18, United States Code, Section 922(g)(1) (Felon in Possession of a Firearm).

II. AFFIANT BACKGROUND

B. Agent Background

2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and have been so employed since February 2020. I am presently assigned to the ATF San Francisco Metro Field Office in San Francisco, California. I am an investigative or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in 18 U.S.C. § 2516. I was trained as an ATF Special Agent at the Federal Law Enforcement Training Center in Glynco, Georgia.

3. As an ATF Special Agent, I have been trained to conduct and participate in both state and federal investigations involving the trafficking of firearms and distribution of controlled substances. I have received training in investigating and assisting in the prosecution of criminal street gangs engaged in illegal narcotics and firearms trafficking. I have received training and participated in various types of investigative techniques, including using electronic surveillance, undercover agents, and informants. I have participated in physical surveillance operations and have participated in the execution of federal and state search and arrest warrants.

4. Prior to being employed as ATF Special Agent, I was a Law Enforcement Officer

for the Ocean City Police Department in Ocean City, Maryland for approximately 13 years. In that time, I conducted various types of investigations, to include robbery, theft, assault, drugs, weapons, traffic fatalities, etc.

5. The facts and information set forth in this affidavit are based on my training and experience, and, as specifically attributed below, information obtained from law enforcement officers and witnesses. To the extent that any information in the affidavit is not within my personal knowledge, it has been made available to me through reliable law enforcement sources, and I believe such information to be true. This affidavit is made for the sole purpose of demonstrating probable cause for the issuance of the requested complaint and does not set forth all my knowledge of, or investigation into, this matter. In addition, where I report information I learned from others or from reviewing documents and reports prepared by others, such information is recounted in sum and substance and in relevant part.

B. Applicable Law

6. The elements of the Target Offense are as follows: the defendant (1) knowingly possessed a firearm or ammunition; (2) that firearm or ammunition had been shipped or transported from one state to another, or between a foreign nation and the United States; and (3) at the time the defendant possessed the firearm or ammunition, the defendant knew he had been convicted of a crime punishable by imprisonment for a term exceeding one year.

III. FACTS ESTABLISHING PROBABLE CAUSE

A. HAMILTON is currently being prosecuted in state court related to a triple shooting on February 14, 2021

7. On or about February 14, 2021, San Francisco Police Department (SFPD) officers were dispatched to a shooting at the intersection of Turk and Hyde Street, San Francisco. Upon arrival to the area, SFPD officers observed a crowd of people running in all directions along with people lying on the ground. SFPD officers rendered aid to three different victims of the shooting. All the victims were adult males: one victim was shot in the chest, one in the lower

back, and one in the leg. All shooting victims were transported to SFGH for treatment.

8. SFPD officers located multiple surveillance cameras along Turk and Hyde Street. One of the locations with a surveillance camera was 168 Hyde Street. SFPD officers made contact with a building manager there who showed them the surveillance video footage. The surveillance footage showed a black colored 4-door sedan traveling southbound on Hyde St. approaching Turk St. Moments later, people in the immediate are of the sedan began dropping to the ground and running in all directions. The black sedan then sped off southbound on Hyde St. Through their investigation, SFPD officers identified the shooting suspect as Robert HAMILTON.

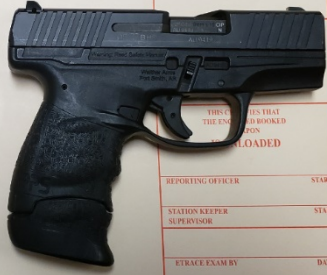
9. HAMILTON is currently facing charges related to this event in state court.

B. On February 27, 2021, SFPD arrested HAMILTON in possession of the charged firearm

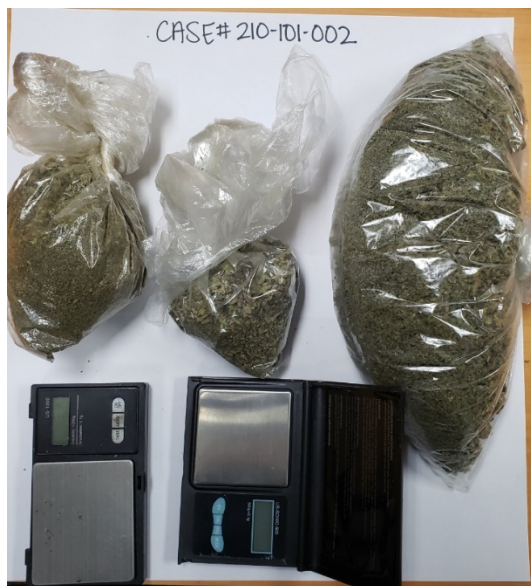
10. On or about February 27, 2021 SFPD officers observed HAMILTON (who was still wanted in reference to the above shootings) on the northeast sidewalk of Jones St. SFPD officers in full uniform and driving marked SFPD police vehicles attempted to stop HAMILTON and take him into custody. HAMILTON fled the area on foot in an attempt to evade capture.

11. While fleeing, SFPD officers observed HAMILTON reaching for his waistband. SFPD officers ordered HAMILTON to show them his hands and get on the ground. HAMILTON continued fleeing on foot onto Market St. HAMILTON was subsequently taken into custody by SFPD officers after his escape route was blocked and force was used against him.

12. After being placed in handcuffs, SFPD officers located a Walther brand, PPS model, 9mm caliber pistol bearing serial number AU9419 underneath HAMILTON's body. This Walther was loaded with seven (7), 9mm rounds bearing the headstamp "G.F.I. 9mm Luger".

FIREARM ONLY (Refer to back for directions)		CRIME LAB USE	PROPERTY CONTROL USE
CASE NUMBER 21-01-101-002	LOCATION OF OCCURRENCE MARKET & JONES		THIS CERTIFIES THAT THE FIREARM IS UNLOADED AND NOT LOADED
DATE OF INITIAL INCIDENT 2-14-21	TYPE OF OFFENSE/ALLEGED 217		
DATE PROPERTY BOOKED 2-14-21	OWNER ROBERT HAMILTON		
UNIT 3311D	SOURCE 1		
REPORTING OFFICER JUAJEE 4440	VICTIM/INVESTIGATOR 1		
REPORTING OFFICER AVILA 820	VICTIM/INVESTIGATOR 2		
Make WALTHER	<input type="checkbox"/> Revolver <input checked="" type="checkbox"/> Pistol (Semi-Auto) <input type="checkbox"/> Derringer <input type="checkbox"/> Other		
Model PPS			
Caliber 9mm			
Serial # A99119			
Color BLACK		REPORTING OFFICER STAR #	STAR #
Registered Owner No RECORD	Reported Stolen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	STATION KEEPER SUPERVISOR	STAR #
Additional Description:		TRACE EXAM BY	DATE
		DNA SWAB BY	DATE
		NIBS ENTRY BY	DATE
Notify Crime Lab prior to Destruction of Firearm entered into NIBIN			
SAN FRANCISCO POLICE DEPARTMENT			

13. In addition to the pistol, SFPD officers located approximately 331 grams of suspected marijuana, suspected Promethazine, a digital scale and approximately \$6,692.00 in small denominations of United States currency in HAMILTON's possession.



14. SFPD officers submitted the Walther pistol to the San Francisco Police Department Forensic Services Division Crime Laboratory for examination. SFPD crime laboratory results from the DNA processing of the Walther pistol are pending.

B. HAMILTON's Knowledge of Prohibited Status

15. I have reviewed HAMILTON's criminal history as part of my investigation. In

May of 2017, HAMILTON was convicted of first degree robbery in violation of California Penal Code § 211 and elder abuse in violation of California Penal Code § 368(b)(1). HAMILTON was sentenced by the San Francisco Superior Court to 361 days imprisonment for these offenses.

16. In February of 2020, HAMILTON was convicted of death involving a hit and run collision in violation of California Penal Code section 20001(a) and burglary in violation of California Penal Code section 211. HAMILTON was sentenced by the San Francisco Superior Court to 2 years and 3 years imprisonment for these offenses.

C The Firearms Possessed by HAMILTON Traveled In Interstate or Foreign Commerce.

17. As part of this investigation, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) conducted an investigation regarding whether the Walther pistol and the 7 rounds of ammunition bearing headstamps “G.F.I. 9mm Luger” found in HAMILTON’s possession travelled in interstate commerce. The ATF confirmed that the firearm and ammunition were manufactured outside the state of California and therefore must have crossed state lines to be located in San Francisco.

IV. CONCLUSION

18. Based on the information set forth in this Affidavit, I respectfully submit that there is probable cause to believe that on or about February 27, 2021, HAMILTON violated 18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm and Ammunition in the Northern District of California.

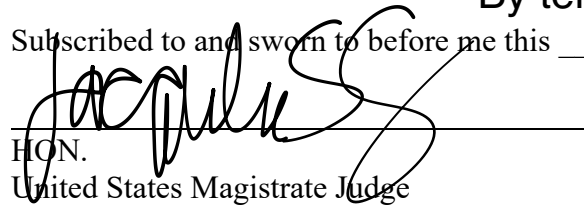
Dated: April 8, 2021

/s/

JOSEPH CENTOFRANCHI
Special Agent
Alcohol, Tobacco, Firearms, & Explosives

By telephone

Subscribed to and sworn to before me this ____ day of April, 2021
April 8, 2021



HON.
United States Magistrate Judge